

Senate Bill No. 475

CHAPTER 393

An act to add Section 116787 to the Health and Safety Code, relating to sanitation districts.

[Approved by Governor September 22, 2006. Filed with
Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

SB 475, Runner. Drinking water: residential self-regenerating water softeners: Santa Clara River.

Existing law authorizes a residential water softening or conditioning appliance to be installed only if certain conditions are met. Existing law further provides, notwithstanding the above authorization, that a local agency may, by ordinance, limit the availability of, or prohibit the installation of, residential water softening or conditioning appliances that discharge to the community sewer system if the local agency makes certain findings and includes them in the ordinance.

This bill would provide, notwithstanding that authorization, that the Santa Clara Valley Sanitation District, or any successor district, may, by ordinance adopted subsequent to an ordinance adopted pursuant to the aforementioned provisions, require the removal of all installed residential self-regenerating water softeners, as defined, that discharge to the community sewer system, if the sanitation district makes specified findings and includes them in the ordinance.

The bill would require the sanitation district, prior to the effective date of any ordinance adopted pursuant to those provisions, to make available to owners of residential self-regenerating water softeners within its service area a voluntary program to compensate the resident for 100% of the reasonable value of the removed appliance, and the reasonable cost of the removal and disposal of the appliance, both of which shall be as determined by the sanitation district, as provided. The bill would require the sanitation district, on and after the effective date of any ordinance adopted pursuant to those provisions, to make available to owners of residential self-regenerating water softeners within its service area a program to compensate the resident for 75% of the reasonable value of the removed appliance, and the reasonable cost of removal and disposal of the appliance, both of which shall be determined by the sanitation district, as provided. The bill would provide that any ordinance adopted and approved pursuant to those provisions shall not take effect until January 1, 2009.

The bill would declare that, due to the unique circumstances related to the Santa Clara River Chloride Maximum Daily Load requirements for substantially reduced chloride levels in wastewater discharged by the

Saugus and Valencia Reclamation Plans to the Santa Clara River that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) On May 4, 2005, a Total Maximum Daily Load (TMDL) for chloride, established by the Regional Water Quality Control Board, Los Angeles Region, took effect for Reaches 5 and 6 of the Santa Clara River, located in Los Angeles County.

(b) The Regional Water Quality Control Board, Los Angeles Region, found that, under the federal Clean Water Act (33 U.S.C. Sec. 1313 et seq.), this chloride TMDL was necessary to bring the Santa Clara River into attainment with water quality standards applicable to the Santa Clara River to protect beneficial uses, including salt-sensitive agricultural crops grown downstream in Ventura County such as avocados.

(c) The Regional Water Quality Control Board, Los Angeles Region, further found that the principal source of chloride into Reaches 5 and 6 is discharges from the Saugus Water Reclamation Plant and the Valencia Water Reclamation Plant, which are wastewater treatment plants serving approximately 180,000 residents of the Santa Clarita Valley.

(d) The Santa Clarita Valley Sanitation District, which owns and operates the Saugus and Valencia Water Reclamation Plants, has extensively studied the sources of chloride in local wastewater and has found that about one-third of the chloride comes from the use of residential self-regenerating water softeners that discharge brine to the sewer.

(e) Effective March 27, 2003, in accordance with the requirements of Section 116786 of the Health and Safety Code, originally added by Senate Bill 1006 (Ch. 969, Stats. 1999), the Santa Clarita Valley Sanitation District adopted an ordinance prohibiting the installation of new residential self-regenerating water softeners in the Santa Clarita Valley.

(f) Senate Bill 1006 prohibited local agencies from adopting ordinances requiring the removal of residential self-regenerating water softeners that were installed prior to the effective date of the ordinance.

(g) Without the removal of the residential self-regenerating water softeners that were installed prior to the effective date of the ordinance in the Santa Clarita Valley, it is improbable that the Saugus and Valencia Water Reclamation Plants can meet the requirements of the TMDL in a timely manner, without the installation of advanced treatment for salt removal and brine disposal at a projected cost to the community of at least \$350 million.

SEC. 2. Section 116787 is added to the Health and Safety Code, to read:

116787. (a) Notwithstanding subdivision (d) of Section 116786, the Santa Clarita Valley Sanitation District, or any successor district, may, by ordinance adopted subsequent to an ordinance adopted pursuant to Section 116786, require the removal of all installed residential self-regenerating water softeners, if the district makes all of the following findings and includes those findings in the ordinance:

(1) The removal of residential self-regenerating water softeners is a necessary and cost-effective means of achieving timely compliance with waste discharge requirements, water reclamation requirements, or a Total Maximum Daily Load (TMDL) issued by a California regional water quality control board. In determining what constitutes a necessary and cost-effective means of achieving compliance, the district shall assess all of the following:

(A) Alternatives to the ordinance.

(B) The cost-effectiveness and timeliness of the alternatives as compared to the adoption of the ordinance.

(C) The reduction in chloride levels to date resulting from the voluntary program implemented pursuant to paragraph (1) of subdivision (c).

(D) The potential reduction in chloride levels expected as a result of the program implemented pursuant to paragraph (2) of subdivision (c).

(2) The district has adopted and is enforcing regulatory requirements that limit the volume and concentrations of saline discharges from nonresidential sources to the community sewer system, to the extent that is technologically and economically feasible.

(3) Based on available information, sufficient wastewater treatment capacity exists in Los Angeles County to make portable exchange water softening services available to residents affected by this ordinance.

(4) Based on available information, the adoption and implementation of the ordinance will avoid or significantly reduce the costs associated with advanced treatment for salt removal and brine disposal that otherwise would be necessary to meet the Total Maximum Daily Load (TMDL) for chloride, established by the Regional Water Quality Control Board, Los Angeles Region, for Reaches 5 and 6 of the Santa Clara River, in Los Angeles County that took effect May 4, 2005.

(b) (1) An ordinance adopted pursuant to subdivision (a) shall not be effective until it is approved by a majority vote of the qualified votes cast in a regularly scheduled election, following the adoption of the ordinance, held in the district's service area, in a referendum in accordance with applicable provisions of the Elections Code.

(2) Information regarding the projected cost differences between advanced treatment for salt removal and brine disposal without the removal of installed residential self-regenerating water softeners, alternatives identified in paragraph (1) of subdivision (a), and the removal of installed residential self-regenerating water softeners shall be included in voter information material.

(c) (1) Prior to the effective date of any ordinance adopted pursuant to subdivision (a), the district shall make available to owners of residential

self-regenerating water softeners within its service area a voluntary program to compensate the owner of the appliance for 100 percent of the reasonable value of the removed appliance, and the reasonable cost of the removal and disposal of the appliance, both of which shall be determined by the district, with consideration given to information provided by manufacturers of residential self-regenerating water softeners and providers of water softening or conditioning appliances and services in the district's service area regarding purchase price, useful life, and the cost of installation, removal, and disposal.

(2) On and after the effective date of any ordinance adopted pursuant to subdivision (a), the district shall make available to owners of residential self-regenerating water softeners within its service area a program to compensate the owner of the appliance for 75 percent of the reasonable value of the removed appliance, and the reasonable cost of the removal and disposal of the appliance, both of which shall be determined by the district, with consideration given to information provided by manufacturers of residential self-regenerating water softeners and providers of water softening or conditioning appliances and services in the district's service area regarding purchase price, useful life, and the cost of installation, removal, and disposal.

(3) Compensation pursuant to paragraphs (1) and (2) shall only be made available if the owner disposes of the residential self-regenerating water softener and provides written confirmation of the disposal which may include, but is not limited to, verification in writing provided by the franchise refuse hauler that provides the service of removing the appliance or verification in writing of the appliance's destruction by the party responsible for its recycling or final disposal.

(4) If the owner of a residential self-regenerating water softener is in the business of renting or leasing residential self-regenerating water softeners, the owner may voluntarily waive compensation pursuant to paragraphs (1) and (2), and shall not be required to dispose of the appliance if the owner provides the district with written confirmation that the appliance has been removed from the home within the district's service area for use in a location outside the district's service area.

(5) The terms of compensation included in paragraphs (1) and (2) shall be included in an ordinance adopted pursuant to subdivision (a).

(6) (A) Upon the request of the district, the providers of water softening or conditioning services and appliances to residents of the district's service area shall provide the district, within 60 days, copies of purchase agreements or receipts, or any other specific records of sales of residential self-generating water softeners in the district's service area.

(B) The information in this paragraph shall remain protected and confidential in accordance with applicable provisions of the Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(d) Any ordinance adopted pursuant to subdivision (a) and approved in accordance with subdivision (b) shall not take effect until January 1, 2009.

(e) For purposes of this section, “residential self-regenerating water softeners” and “appliances” mean residential water softening or conditioning appliances that discharge brine into the community sewer system.

SEC. 3. Due to the unique circumstances related to the Santa Clara River Chloride Total Maximum Daily Load requirements for substantially reduced chloride levels in wastewater discharged by the Saugus and Valencia Water Reclamation Plants to the Santa Clara River, it is necessary that the affected local agencies be authorized to require removal of residential water softening or conditioning appliances, and thus the Legislature finds and declares that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution.